

Benjamin K. Riley (112007)
HOWREY LLP
525 Market Street, Suite 3600
San Francisco, California 94105
Telephone: (415) 848-4900
Facsimile: (415) 848-4999

Michael P. Padden (*Pro Hac Vice*)
Thomas W. Jenkins (*Pro Hac Vice*)
HOWREY LLP
321 North Clark Street
Chicago, Illinois 60610-4714
Telephone: (312) 595-1239
Facsimile: (312) 595-2250

Michael M. Geoffrey (of counsel)
Chief Intellectual Property Counsel
USG Corporation
125 South Franklin Street
Chicago, Illinois 60606-4678

Attorneys for Plaintiff
UNITED STATES GYPSUM COMPANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES GYPSUM COMPANY,

Plaintiff,

vs.

PACIFIC AWARD METALS, INC.,

Defendant.

Case No. C04-04941 JSW

**JOINT STIPULATION TO VACATE
PRE-TRIAL DATES FOLLOWING ON-
RECORD SETTLEMENT; ~~PROPOSED~~
ORDER THEREON**

The Honorable Jeffrey S. White

1 The parties, though counsel, report as follows:

2 1. At the continued Settlement Conference before Magistrate Judge Elizabeth D. Laporte
3 on June 15, 2006, a confidential settlement was reached and placed on the record. The client
4 representatives of each party approved the terms of the settlement on the record. This settlement
5 resolves all issues litigated in this case.

6 2. The parties have further agreed that the terms of the settlement will be memorialized
7 in a written Settlement Agreement to be signed by the parties and approved by counsel as to form.
8 The parties anticipate that the written Settlement Agreement will be completed by June 30, 2006 and
9 that shortly thereafter the parties will submit to this Court a stipulation to dismiss this action.

10 3. Meanwhile, the Court's pre-trial deadlines require filing of motions in limine on June
11 21, 2006, and Trial Briefs, proposed Jury Instructions, Pre-Trial Conference Statement, and other
12 documents on July 3, 2006. The Pre-Trial Conference is scheduled for July 17, 2006, and Trial is set
13 for August 7, 2006, at 8:30 a.m.

14 4. Relief from the Court's pre-trial deadlines is appropriate so that the parties will be able
15 to enjoy the reduced costs contemplated by them in entering into the settlement.

16 WHEREFORE, given the settlement of this matter, the parties respectfully request that the
17 Court vacate all remaining Pre-Trial dates.

18 DATED: June 19, 2006

19 Respectfully submitted,

20 HOWREY LLP

21
22 /s/ Michael P. Padden

23 Michael P. Padden
24 Attorneys for Plaintiff
UNITED STATES GYPSUM COMPANY

25 HELLER EHRMAN LLP

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27 /s/ Patricia M. Thayer
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Patricia M. Thayer
(Approved by Telephone/Email without presentment)
Attorneys for Defendant
PACIFIC AWARD METALS, INC.

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~~—[PROPOSED]~~ ORDER

Pursuant to the above stipulation of counsel and good cause shown therefor, it is hereby Ordered that all Pre-Trial dates in this matter are hereby vacated. If the parties are unable to complete the written documentation relating to settlement by June 30, 2006, they should file a status report on that date advising the Court of that fact and the expected date of completion.

IT IS SO ORDERED.

Dated: June ²⁰__, 2006


JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE